

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

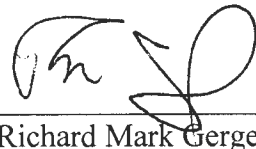
Brenda A. Covington,	)	
	)	
Plaintiff,	)	Civil Action No. 9:18-1975-RMG
	)	
vs.	)	
	)	
Nancy A. Berrryhill, Acting Commissioner	)	
of Social Security,	)	<b>ORDER</b>
	)	
Defendant.	)	
	)	
_____	)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on June 20, 2019, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge, in finding that Plaintiff could perform work at the medium level, failed to properly evaluate medical source opinion evidence. (Dkt. No. 22 at 3-14). This included the classic "cherry picking" of the opinions of an examining physical therapist, omitting any reference to his opinion that the claimant would "currently qualify for sedentary work," and the rejection of the opinions of non-examining physicians that Plaintiff could perform only light work without applying the controlling legal standards for the review of the opinions of medical experts. Tr. 26, 512-14. The Commissioner has advised the Court that

she does not intend to file objections to the R & R. (Dkt. No. 23).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
July 3, 2019